MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL, ON APRIL 14, 2004

Members Present: Peter Lilienfield, Chairman

Carolyn Burnett Jay Jenkins William Hoffman

Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel

Edward P. Marron, Jr., Building Inspector Florence Costello, Planning Board Clerk

Thomas Jackson, Environmental Conservation Board Member

Barbara Livingston, Ad Hoc Planning Board Member Applicants and other persons mentioned in these Minutes

IPB Matters Considered:

- **03-44 Steven Ivkosic & Syliva Marusic 21 South Eckar Street** Sht. 5, B. 212, Lot 15A
- 03-36 Racwel Contracting & Construction Co., Inc. –
 Dearman Close
 Sht. 10, Lot P-25J2-15
- **04-01 AT&T Wireless Peter Bont Road & Hermits Road** Sht. 11, B. 5, Lot 27C2A27G
- **04-06 Melanie Okun 61 West Clinton Avenue** Sht. 7B, B. 238, Lot P-64B5, 64B3, 64
- 04-10 Meredith Vieira & Richard Cohen 11 Dows Lane Sht. 7B. B. 249. Lot 1A
- **04-11 Kevin & Suzanne Chase 134 Fieldpoint Drive** Sht. 10G, Lot 134
- 04-12 Risa Wells & Israel Perlson 42 Ardsley Avenue East Sht. 15, Lot P-129
- **04-14 Richard Wager 42 Victor Drive** Sht. 13, B. 252, Lot 7B
- **04-15 Patrick & Annette Natarelli 29 Maple Street** Sht. 7A, B. 232, Lot 13
- **04-16 LaFamilia Corp. 5 North Buckhout Street** Sht. 4, B.203, Lot 18, 18A
- **04-17 Steven Silpe 34 South Ferris Street** Sht. 5, B.212, Lot 21
- **04-18 Bernard & Isabel Milano 3 Bracebridge Lane** Sht. 1, B.245A, Lot 5, 6
- **04-19 Jason & Susan Kasarsky 58 Manor Pond Lane** Sht. 12B, Lot 12
- **04-20 Eric & Lauren Norquist 31 North Brook Lane** Sht. 12B, Lot 3

Open Space Inventory

Consideration: 04-21 – Omnipoint Communications Inc. – 1 Bridge Street

Sht. 3, Lot P-103

Informal

Discussion: 94-03 – Westwood Development Associates, Inc. -- Phase 1

(Tract A)

Sht. 10, P25J2, 25K2

Sht. 10C, Bl. 226, Lots 25A, 26A

Sht. 11, P-25J

04-04 – Jim & Vesna Rothschild – Lot #13, Dearman Park

Sht. 10, B.1, Lot 13

04-13 - Charles M. Pateman/Nicodemus - 200 Mountain Road

Sht. 11, Lot P27K

Carried Over: 03-49 – Village of Irvington – Westwood Subdivision, Tract C

Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11, Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)

04-22 – Martin & Merideth Dolan – 2 Clifton Place

Sht. 9, B.222, Lot 45, 54, 56, 66

(no one appeared on behalf of this application)

The Chairman called the meeting to order at 8:03 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

REVIEW OF APPLICATIONS

IPB Matter #04-01: Application of AT&T Wireless for Site

Development Plan Approval and Special Permit for property at Peter Bont Road & Hermits Road

Anthony B. Gioffre III, Esq., represented the Applicant, which is seeking an application for Site Development Plan Approval and a Special Permit to co-locate a wireless telecommunications facility on an existing wireless telecommunications facility lot at Peter Bont Road and Hermits Road. The proposed installation is to provide wireless service along the New York State Thruway, Saw Mill Parkway, Saw Mill River Road and local roads surrounding the installation site.

The Board opened a public hearing on this matter. Mr. Gioffre reviewed the Applicant's efforts to address the issues previously raised by the Board and its consultants. Mr. Marron had no comments. Mr. Sciarretta confirmed that the standards this Applicant has to meet are consistent with those imposed on an earlier Applicant, Sprint Corporation, although the Chairman noted that there are only limited parallels between the Applicants' situations. The Chairman cited a March 3, 2004 letter from Mr. Comi, the Board's Telecommunications Consultant (who was also in attendance), indicating that the installed panels would be at the 63-foot level of the tower. Mr. Gioffre confirmed that height and said it was based on an analysis of additional coverage required to cover local gaps in the company's existing service.

There were no comments from Mr. Marron or the public, and the Board closed the public hearing. The Board determined this matter should be treated as an unlisted action, and requested that Mr. Gioffre begin to draft a resolution of approval that would then be reviewed and revised as necessary by the Board for its May Regular Meeting. The Board, on motion duly made and seconded, approved site development plan approval and special permit for the Application, subject to the preparation of a written resolution acceptable to the Board. This matter was continued.

The Board then formally set its next Regular Meeting for May 5' 2004.

OPEN SPACE INVENTORY CONSIDERATION

IPB Matter #04-21: Application of Omnipoint Communications Inc. for property at 1 Bridge Street.

Vincent Savino, Esq., of the law firm Snyder and Snyder appeared on behalf of the Applicant, which is seeking to co-locate a public utility wireless telecommunications facility at 1 Bridge Street. The proposed facility is to provide wireless communications services to the Village of Irvington and would consist of six panel antennae on the existing smokestack, together with related equipment in the existing building. The Applicant submitted "Memorandum in Support of Special Use Permit and Site Development Plan Application by Omnipoint Communications, Inc. to Co-locate a Wireless Telecommunications Services Facility on an Existing Smokestack." Also submitted were plans entitled, "Omnipoint Communications Inc., Irvington, Papay Engineering & Construction, Inc., January 26, 2004," 2 sheets.

The Chairman noted that the Environmental Conservation Board, in a letter of April 13, stated that the ECB had had no objections to the initiation of this project. The Board then retained Richard Comi as its expert consultant on wireless communications installations relative to this matter.

The Chairman confirmed with Mr. Savino that the level of this installation would be 97 feet, and that it would not extend above the height of the smokestack. The Chairman also asked that the Applicant provide specific information required by the Village's code in place of the waivers sought by the Applicant.

Mr. Sciarreta said that the pending rezoning of the area west of the railroad tracks would not affect this project. The Chairman asked for a smaller-scale rendering of the smokestack in order to show the proposed panels vis-à-vis the lettering and rings on the smokestack. Mr. Marron and the Chairman asked for data on whether there will still be room for additional panels.

Mr. Savino stated that the existing raceways inside the smokestack will be used for this installation. The Chairman requested coverage maps showing solely the new areas to be covered by this installation, so that the Board can understand the effects of shifting the proposed panels up and down the smokestack. Also, Mr. Savino said that the antennae would face North, South and East, but not West. In his memorandum of April 14, Mr. Mastromonaco said he had had no engineering concerns. The Chairman said that this matter will heretofore be classified as a "continuation" on Board agendas.

REVIEW OF APPLICATIONS (CONTINUED)

IPB Matter #04-06:

Application of Melanie Okun for Site Development Plan Approval for Property at 61 West Clinton Avenue.

Craig Studer, Landscape Architect, appeared in support of this continuing application for the demolition and removal of an existing residential structure, garage, accessory structures and pool, and the construction of a new 2 ½-story residence.

The Board opened a public hearing on this matter. Mr. Studer said that Lead Agency notifications had been sent, neighbors notified and notice made twice in the newspaper. No changes had been made in the site plans, he added, and the proposed project is under setback and FAR. limitations. He also stated that cross-section and scale evaluations of the neighboring houses showed that this proposed project would cover a smaller percentage of its lot than two-thirds of houses in the area cover in their lots. In addition, it would have a smaller FAR than 44% of those houses. He said, too, that the proposed structure would be set back farther from the frontyard property line than most of the neighboring houses.

Mr. Marron had no comments, nor did Mr. Mastromonaco note any concerns, according to his memorandum of April14. Mary Guthrie Nobel, who said her mother lives in the house immediately to the west of this property, expressed concern about the possible loss of adequate screening as a result of the removal of trees, the control of construction activity, and the preservation of the iron fence on her mother's property. Mr. Studer said that rhododendra and other plants would be used to supplement the remaining tree screening, and that only the portion of the iron fence on the Okun property would be removed. The Chairman said that the Village Code restricts construction activity to avoid harm to neighboring parcels and disruption to residents.

There were no comments from the public, and the hearing was closed. Mrs. Costello noted that no other public agencies had commented on the Lead Agency Notification distributed on behalf of the Board, including The National Register of Historic Places.

Accordingly, the Board then voted, on motion duly made and seconded, to declare itself Lead Agency.

The Board, by consensus, affirmed that this matter involves a Type I Action and upon determining no significant environmental impact, issued a Negative Declaration.

Upon motion duly made and seconded, the Board voted unanimously to approve Site Development Application for the following plans: "Okun Residence, 61 West Clinton Avenue, James Margeotes, architect, November 12, 2003," 11 sheets; and "Okun Residence, 61 West Clinton Street (sic), Studer Design Associates, January 20, 2004, revised February 2004," 4 sheets.

IPB Matter #04-10:

Application of Meredith Vieira & Richard Cohen for Site Development Plan Approval for Property at 11 Dows Lane

David Steinmetz, Esq., and Anthony Schembri of Opacic Architects represented the Applicants, who are proposing to construct an addition to a single-family residence on property abutting the Old Croton Aqueduct.

Mr. Steinmetz stated that the ZBA had granted variances for coverage and the Aqueduct Buffer Area, (ZBA #2004-03). He submitted a letter from the ZBA, dated March 24, 2004 attesting to those variance approvals. The ZBA stipulated that the Applicants are to maintain the trees and adequate screening along the Aqueduct.

The Board opened a public hearing. Mr. Marron said that the fencing for the spa must be upgraded to comply with the Village Code, and that the calculations of the proposed project's FAR and other estimated scale data vis-à-vis homes in the neighborhood, as laid out in the Applicants' letter of March 8, 2004, are acceptable. The impervious surface in the proposal also raises no issues, he said, since the driveway is to increase in size but be changed to gravel.

There were no comments from the public and the Board closed the public hearing. The Board then determined this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board voted unanimously to grant Site Development Plan approval for revised plans entitled, "Vieira/Cohen Residence, 11 Dows Lane, Opacic Architects, March 3, 2004," 3 sheets.

IPB Matter #04-12:

Application of Risa Wells & Israel Perlson for Site Development Plan Approval for Property at 42 Ardsley Avenue East.

Tobias Guggenheimer, architect, represented the Applicants, who are proposing to enlarge an existing single-family house by extending the basement, first floor and second floor, for various rooms and a two-car garage.

The Board opened a public hearing. Mr. Guggenheimer said the proposed drywell had been moved out of the tree drip-line in order to preserve the tree on the west side of the house near the garage, as the Board had requested. The Chairman reviewed the Applicants' scale data for the neighboring houses, and the Board determined the proposed project was appropriate for the area.

There were no public comments. The Board closed the public hearing and determined this matter could be handled as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board unanimously approved revised plans entitled, "Wells and Perlson Residence, 42 Ardsley Avenue, Tobias Guggenheimer Architects, P.C.," one sheet (East & West Elevations) dated February 16, 2004, revised March 30, 2004, and one sheet (Proposed Site Plan) dated March 22, 2004, revised March 23, 2004.

IPB Matter #04-11:

Application of Kevin & Suzanne Chase for Site Development Plan Approval of Such Requirement for property at 134 Fieldpoint Drive.

Mr. Matthew Behrens, architect, represented the Applicants, who are seeking to erect a new, second-story dormer, with no footprint increase. Plans previously submitted were entitled, "Chase Residence, 134 Fieldpoint Drive, February 16, 2004, Matthew Behrens, architect," 3 sheets.

At the Board's request in March, the Applicants submitted a letter to the IPB from the Fieldpoint Homeowners Association, dated March 9, 2004, wherein the Association stated its approval of the proposed project. The Chairman cited a letter from the ZBA, dated March 24, 2004, stating that the requested variance for a setback had been granted (ZBA #2004-05).

The Board determined this matter could be treated as a waiver from site development plan approval, and handled it as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance,

NOW, **THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #04-19:

Application of Jason & Susan Kasarsky for Site Development Plan Approval for property at 58 Manor Pond Lane

Matthew Behrens, Architect, represented the Applicants, who are seeking to expand an existing wood deck at the rear of their residence. Plans submitted were: "Deck Expansion: Kasarsky Residence, 58 Manor Pond Lane, Matthew Belrens, Architect, March 30, 2004," 3 sheets.

The Chairman stated that this property abuts Cyrus Field Road, and therefore a public hearing will be required with publication. He also pointed out that Mr. Mastromonaco, in a memorandum of April 14, 2004 cited the need for topographical data in the plans; the Board indicated that topography was not necessary in this instance. Mr. Behrens, in response to a concern regarding tree protection expressed in a letter from the Environmental Conservation Board dated April 13, 2004, said that no trees are to be removed.

The Board determined that the application was otherwise complete, and set a public hearing for the May 5th Regular Meeting of the IPB. The Chairman also asked that the Applicants attempt to install additional screening along Cyrus Field Road.

The Board continued this matter.

IPB Matter #04-14:

Application of Richard Wager for Site Development Plan Approval for property at 42 Victor Drive.

William Figdor, Architect, appeared in support of this application for the legalization of an existing greenhouse, which, the Applicant stated was located on the footprint of a formerly approved patio. The Applicants submitted "Proposed Sunroom Addition to The Wager Residence, 42 Victor Drive, Plot Plan, Proposed Floor Plan, Proposed Ceiling Plan, Section and Photographs, William Fidgor, AIA, September 29, 2003," 1 sheet.

The Chairman said a variance only for coverage is required and the application can be approved subject to the granting of that variance from the ZBA. Mr. Mastromonaco, in a memorandum of April 14, 2004 stated he had no engineering concerns.

The Board determined this application could be treated as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for

Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, NOW, THEREFORE, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application, subject to the granting of the required coverage variance.

IPB Matter #04-15:

Application of Patrick and Annette Natarelli for Site Development Plan Approval for property at 29 Maple Street.

Mr. Natarelli appeared in support of his application for the construction of a one-story addition on the rear of an existing house. The Applicants submitted plans entitled "Lot 2E Site Plan, Prepared for Patrick and Annette Natarelli, 29 Maple Street, Based on the Survey Prepared by Emmanthel T. Cupo, Land Surveyor, April 28, 1979," no date, 1 sheet.

The Chairman noted that this matter could not be waived because the property, situated on the west side of Broadway is subject to the new View-Preservation requirements of the Village Code. He also stated that variances for FAR and coverage are required, but that there are no height issues. He added that Mr. Mastromonaco, in a memorandum of April 14, 2004 requested more information regarding topography and other matters; the Board determined that topography was not required for this application.

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The Chairman said the application was otherwise complete, and the Board set a public hearing for its May regular meeting. The Chairman also noted the Applicants have to provide public notice of the hearing.

This matter was continued.

IPB Matter #04-16:

Application of LaFamilia Corp. for Site Development Plan Approval for property at 5 North Buckhout Street

Eva Klein Bouhassira, architect, represented the Applicants, who are seeking to replace an open porch at the rear of their restaurant with a larger open porch. Plans submitted were: "Il Sorriso Open Porch, 5 North Buckhout Street, new i Architecture, March 31, 2004," 3 sheets plus cover.

Variances for FAR and coverage are necessary, the Chairman said. He confirmed with Ms. Bouhassira that the Applicants do not intend to use the roof of the new structure for

seating. The Chairman also pointed out that the property is west of Broadway and, under the new View-Preservation requirements of the Village Code, the application therefore cannot be waived.

The Board determined that the Application was otherwise complete, and set a public hearing for its May Regular Meeting. The Chairman noted the Applicants have to provide public notice of the hearing.

The Board continued this matter.

IPB Matter #04-17:

Application of Steven Silpe for Site Development Plan Approval for property at 34 South Ferris Street.

Earl Ferguson, architect, represented the Applicants, who are proposing to renovate an existing one-family residence and construct a two-story addition. Plans submitted were: "Silpe Residence, 34 South Ferris Street, Irvington, NY, Earl Everett Ferguson, Architect, March 30, 2004," 6 sheets.

The property is located on the west side of Broadway, and as such the Board could not consider a waiver on this application. The Chairman indicated that the Applicant should provide the Board with comparative data pertaining to the scale of this project relative to neighboring structures. He cited the Environmental Conservation Board letter of April 13 expressing concern about tree removal and protection, and said this issue would be addressed at the time of the public hearing on this matter. He noted, too, that Mr. Mastromonaco's memorandum of April 14 cited drainage and other matters that have to be addressed.

The Chairman indicated that while the application was sufficiently complete to set a public hearing for the Board's June meeting, the magnitude of the requested variances are such that the public hearing would be held only if the ZBA had taken action on the variances.

This matter was continued.

IPB Matter #04-18

Application of Bernard & Isabel Milano for Site Capacity Approval for property at 3 Bracebridge Lane

Norman Sheer, Esq., represented the Applicants, who are seeking a two-lot subdivision of their property. The Applicants submitted plans entitled, "2 Lot Subdivision of Property for Bernard J. Milano & Isabel Milano, Cronin Engineering P.E. P.C., March 11, 2004," 1 sheet.

The Chairman noted the need for a site-capacity variance for the entire lot and for each of the two proposed lots. He said that even if such variances were granted, there were a number of other variances which would be required to allow construction, including lot area, lot width, Broadway buffer, and FAR. Mr. Marron said that a coverage variance may be required as well. The Board and the applicant discussed the process of action by the

Planning and Zoning Board, recognizing that the number of variances anticipated may require additional appearances before each Board.

Mr. Sheer described the history of the property, and said there is already a cut in the stone wall on Broadway that would provide access to the southerly lot of the parcel. Mr. Mastromonaco, in a memorandum dated April 14, 2004 said he had no comment for now, since numerous variances will be necessary before any potential engineering issues can be addressed.

The Board continued this matter.

IPB Matter #04-20:

Application of Eric & Lauren Norquist for Waiver of Site Development Plan Approval for property at 31 North Brook Lane

Michiel A. Boender, Architect, appeared on behalf of this application for the expansion of an existing wood deck. Plans submitted were entitled, "Norquist Residence, 31 Northbrook Lane, Edgewater Group-Architects, March 30, 2004," 2 sheets.

The Chairman cited the need for a coverage variance based upon the information submitted. In a memorandum dated April 14, 2004 Mr. Mastromonaco stated he had no engineering concerns. There were no comments from the public.

The Board determined this application could be treated as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, NOW, THEREFORE, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application, subject to the granting of the required coverage variance.

IPB Matter #03-44:

Application of Steven Ivkosic & Syliva Marusic for Site Development Plan Approval for property at 21 South Eckar Street.

Mr. Steven Ivkosic and Ante Zubac, architect, appeared in support of this continuing application, which pertains to a proposed addition and renovation to an existing 3-1/2 story, 5-family residence. Revised plans submitted were "Addition/Renovation for Residental Building, 21-23 South Eckar Street, Ante D. Zubac, AIA Architect, March 27, 2004," 6 sheets.

The Applicants reviewed the modifications in design made since their previous appearance before the Board in 2003 and noted that an FAR variance had been obtained from the ZBA. The Chairman noted that it did not appear as if the other variances previously discussed by the IPB had been obtained from ZBA. Additional variances may be required, including but not limited to a non-conforming building and non-conforming use, as well as insufficient parking. Mr. Marron requested that the Applicants clarify parking requirements and the possible need for a variance based on them. He also observed that the side yard setback on the north side of the property is a continuation of a non-conforming feature which would also need to be addressed.

Mr. Sciarretta noted that the information submitted to the IPB as part of the Applicant's current submission was inconsistent with the data submitted to, and apparently used by, the ZBA in granting the variance; this will need to be resolved prior to the IPB taking further action. Mr. Marron added that the Applicants had not included porches, stoops and other construction features in the square-footage calculation, as required. More importantly, they noted that the building encroached onto Village property (the street right of way), requiring action by the Board of Trustees.

The Chairman asked the encroachment onto Village property be resolved and that all variance issues and requirements be clarified by the Applicants prior to returning to the Board.

The Board continued this matter.

INFORMAL DISCUSSION of

IPB Matter # 94-03: Application of Westwood Development Associates, Inc. --

Phase 1 (Tract A)

IPB Matter #04-04: Application of Jim & Vesna Rothschild for Site

Development Plan Approval for Property at

Dearman Park (Lot #13)

<u>and</u>

CONTINUATION of

IPB Matter #03-36 Application of Racwel Contracting & Construction Co.,

Inc. for Site Development Plan Approval for property

at Dearman Park (Lot #15)

Pat Steinschneider of Gotham Design appeared in support of the applications, which pertain to the future construction of homes in Dearman Park, formerly known as Tract A of Westwood. For Matter #04-04, the Applicant submitted plans entitled "Rothschild Residence, Dearman Park, Lot #13, Landscape/Site Plan, March 29, 2004," 3 sheets.

Mr. Steinschneider reviewed progress with the development of the subdivision's infrastructure, including grading and utilities. The Chairman asked that the property lines and building enveloped by identified by tape, and subject to such the Board scheduled a site walk for Saturday, May 1, at 9:00 a.m.

Mr. Steinschneider said he is planning to go to the Board of Trustees to discuss new standards for height and FAR, to determine how they might be modified to deal with what he sees as the special challenges of building homes in Dearman Park.

The Chairman noted that Mr. Mastromonaco had several comments on applications #04-04 and #03-36. The Board intends to hold further informal discussion of Matters #94-03 and #04-04, and continued Matter #03-36.

INFORMAL DISCUSSION

IPB Matter #04-13:

Application of Charles M. Pateman/Nicodemus for Determination of Site Capacity at 200 Mountain Road

Charles Pateman of C.M. Pateman Associates, Inc., appeared in support of this application.

The Chairman cited excerpts from the ZBA's findings in a letter dated March 10, 2004 (ZBA #2002-29) relative to site capacity. He noted that the ZBA addressed watershed and steep slope concerns in their consideration of a site capacity variance, but were not addressing watercourse and wetland issues *per se* as they determined that the new permitting procedures under the Village's new ordinance placed these issues in the domain of the IPB and not the ZBA.

The Chairman inquired about the status of the front yard-setback variance the Applicant is seeking from the ZBA. Mr. Pateman said it is still being pursued but will have no impact on the watercourse on this property. As the Applicant intends to appear before the ZBA prior to the cutoff for submission for the next Planning Board meeting, the Applicant would have time to alter the plans for consideration by the IPB based on whether or not the front yard variance was granted.

The Chairman said the Board would not hold a site walk until after it determined that it had a complete set of plans and feedback from its consultants. Mr. Marron asked that all prior reports from consultants be included in the Applicant's submission.

The Chairman said this application will be elevated to the status of a "continuation", from "open space inventory" discussion on future agendas. He also noted Mr.

Mastromonaco had comments in a memorandum of April 14, 2004 and that they should be reserved for future consideration.

Mr. Thomas Jackson of the Environmental Conservation Board asked whether the IPB was in the process of rethinking its discretionary authority in this matter and in future, analogous situations. Mr. Pateman stated he will accept any conditions the IPB chooses to impose on this project under the Board's authority. Mr. Sciarretta said the IPB was not restricting itself. The Chairman noted that the Applicant would still need to return to the ZBA subsequent to any action by the IPB to finalize the issuance of a variance for site capacity.

The Chairman instructed the Applicant to submit the materials provided to the Board to Tim Miller Associates, who would act as the Board's environmental consultant; the Applicant indicated that he would do so.

The Board approved the minutes of the approved minutes dated February 4, 2004 and March 3, 2004 Regular Meetings. The Board set its next meeting for May 5, 2004, and confirmed the site walk scheduled for May 1, 2004 at 9:00 am.

The meeting was adjourned at 10:49 p.m.

Respectfully submitted,

Walter Montgomery Secretary